

**East Malling And
Larkfield**
Larkfield North

19 July 2021

TM/21/02001/FL

Proposal: Erection of a new lakeside cafe and water sports building.
Movement of two shipping containers on site that are to be clad to match the proposed building and the removal of a container currently used for WCs

Location: Leybourne Lakes Country Park Malling Road Larkfield

Go to: [Recommendation](#)

1. Description:

- 1.1 Planning permission is sought for the construction of a single storey building (25.5m long by 12m wide (max) by 4.5m high (max)), to be used for a café (for approximately 40 covers) with a water sports facility and WC's. Two existing containers on the site will continue to be used for the storage of water sports equipment.
- 1.2 The application has been submitted with a Design and Access Statement, an Ecological Appraisal, a Biodiversity Net Gain Assessment, a Flood Risk Assessment, an Arboricultural Impact Assessment and a Noise Assessment.
- 1.3 The proposed building is simple in form, based on a portal frame structure to be clad in timber effect material with a (grey aluminium) mono pitched roof with an overhang to the south to allow for solar shading. The overhang on the roof is angled to meet the lake, giving the western end a higher ridge line than the eastern end of the roof.
- 1.4 Glazing and bi-fold doors are proposed to the south elevation which give vistas out across the lake. A serving hatch is to be located on the north elevation to serve passers-by. There is also glazing to the front of the building to allow for views across the lake from the café. The building runs along the lake and is set back from it to allow for a terrace facing the lake.
- 1.5 The WC container is proposed to be removed but the two containers to the north of the site will be retained and left painted green. On top of the retained containers, it is proposed to mount several PV panels. The proposed scheme includes a glazed elevation to the west, opening the building up to arrival from the carpark.
- 1.6 No additional car parking is proposed on the site as part of this scheme; there are currently 129 spaces available. There are currently 6no. Sheffield hoops located at the main entrance providing 12 cycle parking spots. This is to also remain unchanged.

- 1.7 Currently the bin store is located at the rear of the park management building. There is no plan to create a separate bin store for this building. Waste is collected from the main bin store on site. The proposed strategy is therefore based on the operator storing and moving their waste from the building to the existing bin store.
- 1.8 The building has been designed with sustainability at the core of the design principles. The passive design elements include thermal insulation, glazing specification to reduce solar gain whilst maximising natural light, natural ventilation and positioning to make the most of solar gains. The active design measures incorporated into the building include LED lighting, PV panels and a water source heat pump will be submerged in the lake to service the building.
- 1.9 There is limited landscaping proposed as part of the scheme, as the current site location is a mix of hard standing, gravel and compacted earth and is mostly underutilised space. It is proposed to remove one tree (ash) to accommodate the terrace and for two new trees (field maple or alders) to be planted as replacements. The remaining area around the new trees left over from the removed and moved containers will be reseeded with a wild grass mix.
- 1.10 Leybourne Lakes is currently under the management of the Council and is one of the key leisure and open spaces provided by the council to its constituents. The Council's aim is to provide a more enjoyable Park and a better service to its visitors. In proposing this development, the Council is seeking to pass the management of the park and building within it to TM Active, which is a charitable, not-for-profit organisation responsible for the delivery of sport and leisure facilities on behalf of the Council. These arrangements are described to provide overall context for the scheme but are not material in any way to the planning decision before Members.

2. Reason for reporting to Committee:

- 2.1 DPHEH considers that because the LLCP facility is a Council led project it would not be appropriate to exercise delegated powers in this case.

3. The Site:

- 3.1 The housing development of 'The Lakes in Leybourne' by Berkeley Homes, was created beside one of the disused gravel pits that has now been turned into a man-made lake. The remaining lakes were turned into a country park and nature reserve. The lakes and reserve were later handed over to Tonbridge and Malling Borough Council. Leybourne Lakes Country Park was then opened in 2004. The Park consists of 93 hectares (230 acres) of lakes which provide an important habitat for wildlife and birds, whilst also allowing water sports enthusiasts the opportunity to windsurf, canoe and kayak in the man-made lakes. Diving also takes place in one of the lakes. Around the lakes are a series

of woods and trails, popular with dog walkers and recreational walkers. As such, Leybourne Lakes has become a significant amenity for nearby residents.

- 3.2 The site proposed for the café and watersports building is on the northwest corner of Lake Ocean that is the largest lake associated with the landscaped and reclaimed gravel pits. The site sits to the southeast of the carpark associated with the lake. The containers currently on the site are the location for diving and watersports activities. A small food outlet is currently located in a painted container to the east of the site.
- 3.3 The site is accessed from the car park via a hard surfaced pedestrian path. A road runs from the south along the west of the site. The site has a gate that prevents vehicular access to site. There is a PROW that runs to the east of the site.

4. Planning History (relevant):

- 4.1 None relevant.

5. Consultees:

- 5.1 PC:

Original representations:

- 5.1.1 The Parish Council is pleased to see this planning application lodged as it has long supported the provision of a café which was envisaged when the country park was first agreed as part of the planning agreements with Berkeley Homes who acquired the land and laid it out as part of the development of housing on the adjacent housing area known as The Lakes. The Park was opened in 2003 and we are aware monies were provided and are held by the Borough Council for such a facility under a Legal Agreement.
- 5.1.2 However, the Parish Council is concerned about the details of the scheme put forward and further comments will follow. Initially though the Council is concerned that with regard to the WC that with new build the Borough Council has the opportunity to provide a Changing Places toilet making the facility accessible to a wider number of people with disabilities. The disabled WC as shown is to be 5metres squared whereas under Changing Places it should be 12metres squared. This could be achieved by losing one of the regular cubicles but a modification would send out the message that the Borough Council cares about disabled visitors. There is such a toilet across Leybourne Way at Tesco's but visitors to the country park should not, if they are aware of this, have to go across a busy road some distance away to use that and such a diversion might also divert customers away from the café in the park.

Additional representations:

- 5.1.3 There is a local view that as this is a country park based on its lakes there should be more glazing so that customers have a view of the lake to the south. It is a missed opportunity to have a building next to a lake and the main view is over the footpath to the car park. Due to the south facing nature of the building it should be possible to consider solar reflective glass. If security when the building is closed is an issue perhaps shutters could be considered. It is also considered with the right design the building would look better in this important location.
- 5.1.4 Sadly there are a number of factual errors in the submitted documents. Wealden Hall is in Larkfield not New Hythe. None of the lakes site is in Leybourne but mostly in Larkfield with part in Snodland. The directions for Larkfield, and East Malling seem incorrect and it is ventilation not “venterlation”. These examples do not go to the principle of a café here which we support but are an irritation.
- 5.1.5 It is noted the site is in the flood plain and the nearby stream has recently flooded Lunsford Lane after heavy rain. We cannot recall this site flooding, but we appreciate this is something to be considered.
- 5.1.6 It will be important that during construction an access route is agreed and that public access around the lake continues as well continuing with the mobile in a suitable site until the café opens. There should be suitable signage, and this is a reason why it is important that the site does not have a Leybourne identity. It is pointed out there is a ban on vehicles turning left into Lunsford Lane from the A228 layby.
- 5.2 Environmental Protection (TMBC)

Contaminated Land:

- 5.2.1 No comments to make

Noise:

- 5.2.2 The Applicant has submitted a Noise Assessment carried out by the consultant Atspace Ltd (their ref Q02743-ENV-JRH-230621-R0, dated 23 June 2021). The Assessment details measurements made of the ambient noise present at the site and has calculated the likely impact of the Inlet/Outlet fans and the Water Source Heat Pump proposed for this application. The Assessment concludes that, as the combined noise output from the 3 items of equipment is 10dB below the lowest background noise measurement taken, there will be no nett increase in noise levels. I agree with this conclusion.

Drainage:

- 5.2.3 The Applicant has indicated that a Package Treatment Plant is proposed to be installed for this development. There is a presumption that connection to the Public Sewer should be the first considered method of sewage disposal. If mains drainage is not to be used for this proposal, the applicant will need to demonstrate why this is not practicable in this specific case. The applicant may wish to know that there is a Southern Water sewer approximately 25m to the West of the site, although I would recommend that they check with Southern Water. If non-mains drainage is to be proposed, full details will be required, including size, location and maintenance regimes.
- 5.3 NE: No comments to make on this application.
- 5.4 EA: Objects pending further detail.
- 5.4.1 We are not objecting on the principle of a visitor centre at this location, but do have concerns with regards to the flood compensation measures required at the site. The Flood Risk Assessment (FRA) by ARK Ltd, dated June 2021 submitted with the proposal states that no flood compensation is considered necessary. Whilst we can agree the proposal is for a “less vulnerable” development, as the site is located within flood zone 3 we would usually expect some form of flood mitigation measures. These measures would compensate for the loss of flood storage and would avoid the impedance of flood flow. Has the applicant considered the use of void spacing within the development in order to compensate for loss of flood storage?
- 5.4.2 We would like to highlight that in addition to the flood resilience measures suggested within the FRA, we would suggest that the owner or applicant signs up to the EA flood warning service.
- 5.4.3 Finally, with regards to permitting, we would stress that development within the 8m margin of the main river on site is likely to need a Flood Risk Activity Permit (FRAP). We would advise the applicant to wait for planning permission to be approved before submitting an application for a FRAP.
- 5.5 KCC (PROW): No comments received
- 5.6 Kent Wildlife Trust: No comments received
- 5.7 KCC (Heritage): No comments received.
- 5.8 KCC (H+T): Comments awaited
- 5.9 Private Reps: 4 + press and site notices 0X/2R/1S.

Objections summarised as follows:

- Will ruin views of the lake and limit access to that area as priority will be given to customers of the café and those using the water sports

- Why is there no provision for a dedicated room or space for education activities – this was included in the description for a 'Visitor Centre' in the original outline planning application by Berkley Homes in 1999 (TM/99/0032/FL)
- The application includes some provision for accommodating water sports activities, but the two existing 20 ft. metal containers are not incorporated into the works. Who will be responsible for maintaining these containers?
- The two 40 ft. containers which are being incorporated into the new facility are also going to support new solar PV panels. Why are these panels being installed on a shipping container (a temporary structure) rather than on the roof of the new building? Should water sports activities on the lake cease, or change so that the container is no longer required then will the container not be removed? If so, then the PV panels will also need to be moved at additional expense. Has the installation of integrated PV panels into the new roof structure been considered (e.g Marley SolarTile or similar)?
- Please confirm that all the temporary containers shall be removed from the site if they are no longer required to support water sports activities
- Currently there are a number of benches on the construction area of the site. Please advise where these will be relocated to for the enjoyment of non-café users
- Provision should be made for secure cycle parking
- Are the existing toilets in the Rangers' building going to be retained? If not, will the toilets in this new building be freely available to non-café users at all times, including when the café is closed but the Country Park is open?
- Will the toilets be available to water sports users when the café is closed?
- A door providing direct access from the water sports area to the toilet area would prevent a lengthy walk for water sports users
- Will showers be available for water sports users? Are these not essential in a purpose-built facility?
- Will there be full DDA compliant toilet access (including motorised doors, Changing Spaces compliant etc.) to toilets at all times the country park is open?
- A noise assessment for the construction phase has been included in the application, as well as noise created by ventilation plans once the building is open. Will there be any conditions on noise pollution from activities within the

new facilities such as PA systems, loud music or motorised vehicles or craft?
Including conditions on noise levels and permitted hours.

Representations in support summarised as follows:

- Overall supportive but wishes to ensure that light pollution had been considered. There is currently an unspoilt view from the area opposite the proposed development - presume that there will be restrictions on lighting outside working hours and sympathetic lighting during working hours

6. Determining Issues:

Principle of development:

- 6.1 The site lies outside any defined settlement confines and therefore for the purposes of applying adopted policy, CP14 of the TMBCS falls to be applied. This policy states that development in the countryside is restricted to certain specified types, including (inter alia), predominately open recreation uses together with associated essential built infrastructure and any other development for which a rural location is essential.
- 6.2 The proposed development is intended to support the well-established facilities at the Country Park. Similarly, given that the facility occupies a rural location, and that this development is intended to support that use, it can be reasonably considered that a rural location for this development is essential. As such, the proposal meets the requirements of policy CP14 of the TMBCS.
- 6.3 More generally in respect of matters of principle, the NPPF offers support to the provision and expansion of sports facilities. Paragraph 84 requires planning policies and decisions to support a prosperous rural economy by supporting sustainable growth of rural businesses and section d) makes specific reference to sports venues and meeting places. Support for sports facilities and meeting places can again be found in paragraphs 92 and 93.
- 6.4 The site is also designated as an open space to be protected (policy OS1A of the MDE DPD). This policy states that:-
1. Development which would result in the loss of, or reduce the recreational, nature conservation, biodiversity, carbon sink, landscape, amenity and/or historic value of, existing open spaces listed in Policy Annexes OS1A & OS1B and identified on the Proposals Map, and any other open spaces that are provided during the lifetime of the LDF, will not be permitted unless a replacement site is provided which is equivalent or better in terms of quantity, quality and accessibility
- 6.5 Care has been taken to minimise the loss of open space through careful siting of the proposed building. The removal of a container at the site and one

catering container further along the lake will be removed to reduce the impact of this loss. The policy refers to proposals which result in the loss of or reduce the recreational, nature conservation, biodiversity, carbon sink, landscape, amenity and/or historic value will not be supported. It is considered that the proposal is of benefit to the recreational, nature conservation, biodiversity, carbon sink, landscape, amenity and/or historic value of the site. The scale of development proposes a loss of 328m² of area, it is considered that the small as a result of the development is significantly outweighed by the wider benefits arising.

- 6.6 In this respect, policy DC5 of the MDE DPD addresses proposals for new tourism and leisure facilities in rural areas and sets out criteria that need to be met to address when it can be allowed. Of relevance in this case, these include: in keeping with the character of the area, appropriately located and the reuse of existing buildings, good for the local economy, built development be associated with the main use, not impacting on biodiversity and minimal impact on the surrounding highway. It is considered that the building proposed has been designed to ensure that the natural setting is protected, there is an identified need for the building, it relates to the surrounding land use, and a clear case has been put forward to identify the need. Moreover, the proposal will not impact on the biodiversity in the area or the local highway infrastructure. On this basis it is considered that this proposal fully complies with this policy.
- 6.7 Policy SQ7 of the MDE DPD relates to health and well-being and this policy (inter alia) supports proposals that maximise opportunities for healthy living and healthy active lifestyle choices. This proposal assists in providing enhanced facilities and provides an environment which enables users of the park to meet and socialise before or after undertaking an activity; this proposal therefore complies with this policy.
- 6.8 Core Strategy Policy CP26 states that the Council will safeguard land required for the provision of services to meet existing and future community needs, as identified by service providers. There is an identified need for a building in this location and it is considered that this development will significantly enhance the setting of the park.

Design, character, appearance and landscaping:

- 6.9 Policy CP1 of the TMBCS requires all new development to result in a high quality sustainable environment. Policy CP24 of the TMBCS seeks to ensure that all development is well designed and respects the site and its surroundings. Policy SQ1 of the MDE DPD requires all development to reflect local distinctiveness and to protect, conserve and, where possible enhance the character of the area.
- 6.10 This aim is echoed in paragraph 130 of the NPPF which seeks to ensure that development will function well, be sympathetic to local character, establish a strong sense of place create attractive, safe places in which to live and work.

6.11 Paragraph 134 of the NPPF is also relevant and sets out that development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes. Conversely, significant weight should be given to:

a) development which reflects local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes; and/or

b) outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.

6.12 The proposed building is modest in size and scale and has been well designed to address the constraints on the site yet meet all the requirements set out by the Council. It is considered that the simple form of the building and materials to be used is entirely appropriate in this Country Park setting and is a visual betterment on the existing temporary buildings are currently used.

6.13 It is acknowledged that there is limited landscaping incorporated within the scheme and that it is proposed to remove a single (ash) tree. However, this is balanced against the new planting proposed across the area. Additionally, it is proposed to reseed the remaining area with a wild grass mix. Therefore, on this basis it is considered that the landscape proposals are entirely appropriate for this location and a condition is recommended to ensure that the scheme is implemented in accordance with the scheme.

6.14 I consider that, overall, the design, appearance and landscaping for the proposed development would be acceptable for the character of the area and meet the policy requirement of Policies CP1 and CP24 of the TMBCS, SQ1 of the MDE DPD and Paragraphs 130 and 134 of the NPPF

Amenity impacts

6.15 Paragraph 185 of the NPPF requires planning policies and decisions to ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should:

a) mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life;

b) identify and protect tranquil areas which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason; and

c) limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.

6.16 The submission is accompanied by a noise report which addresses plant noise: it concludes that the plant will not cause any increase to background noise levels in the vicinity of the proposed building. TMBC EP have advised in their representations that this is suitable to protect the aural environment in this location.

6.17 I do however appreciate that there are concerns that a PA system in connection with the building could contribute towards background noise. I would recommend that a condition be imposed to any planning permission granted that restricts the installation of such a system unless planning permission has first been granted. This will afford the LPA the opportunity to make a formal assessment as to the level of noise arising from such a source.

6.18 The submission indicates that external lighting is proposed to be installed, but no details have been submitted as to specifically where it will be sited, and the type of lighting proposed. I would recommend that in order to protect residential amenity and the ecology of the area, a further condition be imposed to require full details of any external lighting to be submitted for approval before installation to ensure it is acceptable to the locality.

Biodiversity and ecology:

6.19 Local planning authorities have a statutory duty to have regard to conserving biodiversity as part of policy or decision making (section 40 of the Natural Environment and Rural Communities Act 2006).

6.20 This is an allocated Local Wildlife Site. Policy NE1 of the MDE DPD states that development that adversely affects either directly, indirectly or cumulatively a Local Wildlife Site (LWS) or Local Nature Reserve (LNR), as identified and on the Proposals Map and listed in Policy Annex NE1, will not be permitted unless it can be demonstrated that the benefits of the development override the need to safeguard the nature conservation value of the site and that adverse impacts can be adequately compensated. The site is within the annex as NE1(j) listed as a series of water-filled gravel pits, calcareous streams, dykes rough grassland, scrub and woodland. Important to a wide range of wildlife including 100 birds species and some uncommon animals e.g. water voles.

6.21 Policy NE2 of the MDE DPD seeks to protect, conserve and enhance the biodiversity of the Borough, whilst policy NE3 requires development that would

adversely affect biodiversity to only be permitted if appropriate mitigation measures are provided.

6.22 Paragraph 174 of the NPPF sets out that planning policies and decisions should contribute to and enhance the natural and local environment by:

a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);

b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;

c) maintaining the character of the undeveloped coast, while improving public access to it where appropriate;

d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;

e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans; and

f) remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.

6.23 Paragraph 180 of the NPPF requires that planning decisions be made following a number of principles designed to protect and enhance biodiversity and geodiversity.

6.24 The submitted Ecological Statement concludes that there is a low/minimal level of biodiversity interest associated with the proposal, and a similarly low/minimal significance of potential ecological impacts. The statement sets out that work should start outside of the nesting seasons and lighting precautions are recommended as they impact on foraging and commuting bats. Any minor impact can be minimised through appropriate mitigation measures which include bat boxes, vertical planting and the inclusion of native trees and shrubs on the site. On this basis, subject to appropriate conditions, I conclude that the proposal is acceptable in this regard, and it complies with the requirements of policies N1, N2 and N3 of the MDE DPD and paragraphs 174 and 180 of the NPPF.

Renewable technologies and climate change

- 6.25 Policy CP1 of the Core Strategy seeks for all proposals to result in high quality sustainable environment. Section 14 of the NPPF address the challenges of climate change with paragraphs 157 and 158 commenting the LPAs should assess new development to decentralise energy supply and minimise energy consumption. This is also at the heart of the Council's own climate change strategy which is a material planning consideration for decision making purposes.
- 6.26 The submission explains that the purpose of the design strategy has been to reduce the overall energy demand as far as possible with regards to the practicality and economic factors, by implementing energy efficient measures and introducing low carbon and renewable technologies. The building has been designed with sustainability at the core of the design principles. In the first instance the building shape, orientation, form, fabric and internal layouts have been assessed and modified to maximise the benefits available for passive design techniques, which is the basis of a good low energy design.
- 6.27 In addition, they are proposing the following active design measures to address:
- Low energy LED lighting with intelligent controls, including daylight dimming. Ensuring lighting is not operating when not required.
 - Demand controlled ventilation systems where possible.
 - PV Panels.
 - Water Heat Source Pump.
 - Low water use fittings for the sanitary appliances.
- 6.28 It is considered that this approach to sustainable design to the building ensures that the building energy demand has be minimised before consideration of the onsite renewable technologies. These aspects of the development are intended to be embedded within the construction and design of the scheme itself.

Highway safety and parking provision:

- 6.29 Policy CP2 of the Core Strategy comments that new development that is likely to generate a significant number of trips should be located relative to public transport and provide or make use of a choice of transport modes. Policy SQ8 of the MDE DPD states that development will only be permitted where there will be no significant harm to highway safety.
- 6.30 Section 9 of the NPPF considers sustainable transport, with paragraphs 110 to 113 address development in relation to highways matters. Paragraph 110 comments that sustainable transport modes should be promoted. Additionally,

paragraph 111 of the NPPF states that development should only be refused on transport grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts of the development would be severe.

- 6.31 It should be noted that the scale and nature of the proposal means that it falls outside the criteria for KCC (H+T) making representations. In any event, it is not considered that the proposed development would generate additional traffic movements in its own right because it would be serving existing visitors to the park. As such, the principal impact would arise through construction and, on this basis, it is reasonable to require a construction management plan to be submitted for approval prior to commencement of the development.

Flooding and drainage:

- 6.32 Policy CP10 of the TMBCS states that within the floodplain development should first seek to make use of areas at no or low risk to flooding before areas at higher risk are considered. Paragraphs 159 – 169 of the NPPF relate to planning and flood risk - the thrust of which is to restrict development in areas which are at risk from flooding.
- 6.33 The FRA submitted is considered inadequate by the Environment Agency, as the statutory consultee on matters of flood risk. Whilst they have indicated overtly that they are not objecting to the principle of the building at this location, they have raised concerns about the lack of flood compensation measures incorporated into the design and have sought clarification as to whether this has been considered as an option by the developer. In response to this, a further plan has been provided which shows further void spacing as part of the structure. The EA have been sent this plan and any further representations received in this respect will be reported as a supplementary matter. It is worth noting in this respect that the EA have indicated that they would “usually expect” flood storage measures to be incorporated into designs rather than it being an overt requirement in all instances.
- 6.34 In addition, Members will be aware that in September 2020, the Economic Regeneration Advisory Board endorsed a programme of initiatives to support the local economy using the Business Rates Retention Pilot reserve. Within this programme, an allocation of £20,000 was earmarked towards Natural Flood Management, with this site being a project that will benefit from £8,000 of this fund. The Country Park has been chosen after consulting both KCC and the EA.
- 6.35 Phase 1 of the scheme took place in 2019 and has helped to realign and naturalise an artificially straightened section of the stream to improve its biodiversity and to assist in alleviating flood risk in the local area. Phase 2 of the scheme is currently in development and will be downstream from Phase 1, with additional funding supporting the creation of two new wetland habitat features within the park. These new wetland areas will contribute towards creating valuable additional habitat for critically endangered species, such as water

voles and amphibians, whilst also providing approximately an additional 985 cubic metres of flood storage capacity. It is planned that the spoil from the excavation of the wetland areas will be used to create a serpent-shaped mound (sown with wildflower seed), which will provide additional wildlife habitat and an additional topographical feature for visitors to the park to enjoy. It is proposed that the wetland habitat features will be planted up with a range of low growing and less invasive taller species of marginal aquatic native plant plugs, including common comfrey, fool's watercress, water figwort, great yellowcress, water mint, meadowsweet and purple loosestrife.

6.36 With these factors taken in combination, I consider that the scheme is acceptable in terms of flood risk and storage and there is no justified basis to refuse the scheme on flood storage grounds.

6.37 With regard to drainage, a Package Treatment Plant is proposed for the development. It is noted that EP have commented that there is a presumption that connection to the Public Sewer should be the first considered method of sewage disposal. In this respect it is not a policy requirement to demonstrate why mains drainage is not to be used but a condition is imposed requiring details of foul water drainage to be submitted and approved as requested by EP.

Archaeology:

6.38 The site lies within an Area of Archaeological Potential. It is therefore necessary to ensure that any historic finds that may be discovered in the course of any works be suitably recorded. This can be ensured by planning condition.

Other matters raised during consultation:

6.39 I understand that some representations received request that the development proposed includes provision for a changing places toilet. Whilst the rationale behind this request is acknowledged, there is no basis in policy to require such provision to be incorporated into a development of this size. As such, there is no ability within the planning system to require this facility and no legitimate basis on which to refuse planning permission absent such a facility being provided.

6.40 It is also noted that much of the content of the [2] objections received centre on how the facility will be managed and how the wider operations of the Park will take place relative to this. Members will be aware that such matters are not material planning considerations other than to the extent they have the potential to cause harm to, for example, general amenity of the area. It is not possible for a planning permission to seek to control wider operational matters of the established use or to attempt to resist development in order to do so.

Conclusions:

- 6.41 There is clear policy support for the provision of meeting places and the expansion and support of sporting facilities in locations such as this. The contribution that such facilities can make towards health and well-being are recognised by both the development plan and national planning policy. The application, subject to planning conditions, will not result in any adverse impact in terms of general or residential amenity, the overall character of the area or ecology.
- 6.42 I therefore recommend that planning permission be granted subject to the imposition of conditions.

7. Recommendation:

- 7.1 **Grant planning permission** in accordance with the following submitted details: Site Layout 010 REV P8 Proposed dated 19.07.2021, Roof Plan 012 REV P3 dated 19.07.2021, Topographical Survey 101 REV P2 dated 19.07.2021, Topographical Survey 102 REV P2 dated 19.07.2021, Elevations 201 REV P8 dated 19.07.2021, Site Plan 510 REV P1 dated 19.07.2021, Drawing 511 REV P2 dated 19.07.2021, Site Layout 901 REV P3 Existing dated 19.07.2021, Location Plan 501 REV P1 dated 19.07.2021, Ecological Assessment dated 19.07.2021, Statement BIODIVERSITY NET GAIN dated 19.07.2021, Design and Access Statement dated 19.07.2021, Flood Risk Assessment dated 19.07.2021, Arboricultural Assessment dated 19.07.2021, Noise Assessment dated 19.07.2021, Section 1844-SBA-XX-XX-SHEET-A-121-P3 dated 10.09.2021, Email dated 10.09.2021, subject to the following conditions:

Conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: In pursuance of Section 91 of the Town and Country Planning Act 1990.
2. All materials used externally shall accord with the approved plans.

Reason: To ensure that the development does not harm the character and appearance of the existing building or visual amenity of the locality.
3. The building shall not be used or operated outside the hours of 08:00 to 20:00 on any day.

Reason: To protect the residential amenity and wildlife habitats in the area.
4. The recommendations of the Biodiversity Net Gain Statement (written by Adonis

Ecology Ltd) and received 19 July 2021, shall be carried out in conjunction with the development hereby approved and maintained and retained thereafter.

Reason: To ensure the protection of wildlife species.

5. If during construction works items or features of archaeological and historic importance are discovered, all development shall cease. It will then be necessary for the applicant, or their agents or successors in title, to secure the implementation of a watching brief to be undertaken by an archaeologist approved by the Local Planning Authority so that the excavation is observed and items of interest and finds are recorded. The watching brief shall be submitted to Local Planning Authority immediately on discovery of any historic item or feature.

Reason: To ensure that features of archaeological interest are properly examined and recorded.

6. No lighting shall be installed on the exterior of the building until full details of lighting and any necessary mitigation measures are submitted to the Local Planning Authority for approval. The lighting should be installed in strict accordance with these details.

Reason: In the interests of residential amenity and the character of the open countryside.

7. The proposal for landscaping shown on the submitted site layout plan referenced 1844-SBA -XX -00 -DR-A -010 submitted 19.07.21 shall be implemented by the end of the first planting season following first occupation of the building: Any trees or plants which within 10 years of planting are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason: In the interests of visual amenity.

8. The use hereby permitted shall not commence until details of any proposed amplified music or public address system is submitted to and approval by the Local Planning Authority. The amplified music or public address system shall be used only in accordance with those approved details.

Reason: To protect the aural amenity of the area.

9. Prior to the first occupation of the building hereby approved, the two storage containers as shown on site layout plan drawing number 1844-SBA -XX -00 -DR-A -010 submitted 19.07.21 shall be removed and all arisings therefrom shall be removed from the site.

Reason: To protect the overall character of the area.

- 10 No development other than removal of hardstanding, ground investigations or site survey works, shall be commenced until details of the proposed means of foul sewerage have been submitted to, and approved in writing by, the Local Planning Authority in consultation with Southern Water.

Reason: In the interests of ensuring that the development is served by satisfactory arrangements.

- 11 No development other than ground investigations or site survey works, shall be commenced until arrangements for the management of any and all demolition and/or construction works shall be submitted to and approved by the Local Planning Authority. The management arrangements to be submitted shall include (but not necessarily be limited to) the following:

- The days of the week and hours of the day when the construction works will be limited to and measured to ensure these are adhered to;
- Procedures for managing all traffic movements associated with the construction works including (but not limited to) the delivery of building materials to the site (including the times of the day when those deliveries will be permitted to take place and how/where materials will be offloaded into the site) and for the management of all other construction related traffic and measures to ensure these are adhered to;
- Procedures for notifying properties identified as likely to be affected as to the ongoing timetabling of works, the nature of the works and likely their duration, with particular reference to any such works which may give rise to noise and disturbance and any other regular liaison or information dissemination; and
- The specific arrangements for the parking of contractor's vehicles within or around the site during construction and any external storage of materials or plant throughout the construction phase.
- The controls on noise and dust arising from the site with reference to current guidance.

The development shall be undertaken in full compliance with the approved details.

Reason: In the interests of general amenity and highway safety

Informatives

- 1 Artificial light can be considered under the Statutory Nuisances regime contained within the Environmental Protection Act 1990. It is thus in the applicants best interests to ensure that any lighting does not affect any nearby neighbours.
- 2 The Public Rights of Way that traverse and abut the site must not be stopped up, diverted, obstructed (this includes any building materials or waste generated during any of the construction phases) or the surface disturbed. There must be no encroachment on the current width, at any time now or in further and no

furniture or fixtures may be erected on or across Public Rights of Way without consent.

Contact: Rebecca Jarman